

Prudence Island Water District

Minutes of meeting: June 25, 2005

1. Meeting was called to order at 1:10 p.m. Present were David Buffum, moderator; Patricia Richard, clerk; Richard Brooks, Philip Brooks and Robert Hanson. Also present was RI State Representative Raymond Gallison.

2. Rep. Gallison administered the oath of office to Board Members elected on June 18, 2005. David Buffum, Patricia Richard, Robert Hanson and Philip Brooks were sworn in. Mr. Gallison stressed the importance of proper procedure in the elections and swearing-in process.

3. Approval of minutes June 11, 2005. Mr. Richard Brooks moved to accept the minutes, seconded by Mr. Hanson, approved unanimously.

4a. Bylaws. Water restrictions. Mr. Buffum said that he was continuing to research bylaws and asked the opinion of the board about the proposed 300 gallon limits on pools, hot tubs and ponds. Mr. Richard Brooks said that he believed limits were necessary and that 300 gallons was generous. Ms. Richard asked if the board had any sense of how many of these structures existed within the district. She asked how written permitting of filling pools and ponds would be accomplished and if there would be a limit set on the number of permits issued. Mr. Buffum said that he envisioned a limit on the

number issued per day. Ms. Richard asked if a legal opinion should be sought about the specific restrictions in the text of the bylaws. Ms. Greene, general counsel, suggested that the board continue to revise bylaws until they felt they had gone as far as they could and then turn them over to Ms. Mack or herself for issues of legality. Ms. Richard asked if bylaws generally included a clause stating that the bylaws were applicable unless they contravened state law and that only those sections that contravened state law would be considered inapplicable. Ms. Greene said that was common language but that the board should attempt to establish that legality of bylaws and have advice of counsel prior to adoption of any bylaws. Ms. Richard said that a period for public comment on text of bylaws should be part of the process.

4all. Federal Anti-discrimination laws: Ms. Richard said that these bylaws needed to be adopted soon in order to comply with conditions of USDA grant. Ms. Greene said that she would make the changes and have them ready for review asap.

4bl. Administrative goals. Ms. Richard gave Mr. Buffum a spare set of keys to the district security box. She also presented the board with copies of the invoice received from special counsel and said that she would speak to Ms. Mack about the issue of the retainer fee as it applied to invoicing. Ms. Richard reported expenditures: \$89.60 for final published election notice.

4bII. Technical goals. Mr. Richard Brooks noted that Mr. Nicholson of C&E Engineering had cc'd the board a copy of his email introducing himself to special counsel.

4c. Funding. Ms. Richard said there was nothing new and that she was working on the report to the RI Foundation on the status of the community outreach project, since the only task left to complete before submitting would be the district's annual report.

5a. Workshop co-sponsorship with PIPC/Prudence Conservancy. Mr. Harry Sterling said that PIPC is revising the Prudence Island section of the comprehensive plan for Portsmouth and that it is estimated that Prudence has over 600 potentially developable lots. He stated that of particular concern are sub-standard lots. He said that the PIPC, the Conservancy and the Water District all have a vested interest in future development on the Prudence and toward that end invited the Board of Directors to participate in a workshop for development issues. He said that he would be looking into hiring a facilitator to oversee the meetings. Ms. Richard asked how funding the workshop would be accomplished. Mr. Sterling said he would approach either RIF or Grassroots. He said that he would be putting together a proposal and that nothing would happen until funding was in place. He said a potential facilitator was Rupert Friday of Nature Conservancy. Mr. Richard Brooks said he was in favor of participating in the workshop and that the proposed project met the criteria for the EPA Smart Growth guidelines. Ms. Richard said that it

would make sense to have district board members rotate through the meeting schedule to get the broadest range of input and that she was in favor of participation. She asked Mr. Sterling if he saw the end product as being revisions to the comprehensive plan. Mr. Sterling said that for the PIPC the end product would address land use in the comprehensive plan, particularly in regard to zoning ordinances. Mr. Buffum asked Mr. Sterling if he knew what the criteria was for allowing variances in Portsmouth. Mr. Sterling said that he was aware that specific criteria was in place but that the perception on the island was that Portsmouth didn't care about the issue of development here. Mr. Buffum said that he believed that was true. Ms. Richard said that several examples of Portsmouth's lack of concern about development were nearby. Mr. Sterling said that perhaps an island review committee could address the issue. He said that for the Conservancy board, unity of policy about development issues was the goal of the workshop. Mr. Richard Brooks pointed out that development along the shoreline was of concern as well. He made a motion that the district board participate in the planned workshop with the PIPC and the Conservancy, seconded by Mr. Philip Brooks, approved unanimously.

5b. Correspondence. Copy of grant agreement from USDA

5c. Other. Rep. Gallison said that he had been approached by PIUC about tax abatement for the utility. He asked if the district had documentation of its tax-exempt status. Ms. Richard said that she had

furnished the Portsmouth Town Administrator with that section of the charter establishing the district as a tax-exempt entity. Rep. Gallison asked if the board had any objection to his putting forward legislation designating the PIUC as tax exempt, because the utility was unable to meet its tax obligations. Mr. Buffum asked what specific tax bill prompted this request. Rep. Gallison said that Portsmouth property taxes were beyond the utility's ability to pay. Mr. Buffum asked if this was an ongoing situation or if it was a recent development. Ms. Richard said that the issue had been taken up in Portsmouth a few months ago. Mr. Hanson said that Portsmouth had denied the request for tax relief by a vote of 3-3 and that the councilor who was to support the position of the PIUC had been absent from the meeting. Mr. Hanson also said that the town had levied a tax on the large water storage tank, which they had not done in the past. Mr. Hanson said that the PIUC was having difficulty in meeting its obligations and needed help. Ms. Greene said that, speaking as a private citizen, if the PIUC expected help they should be more cooperative with the district board. She cited the PIUC's selling of the property on Narragansett Ave. without informing the board as an example. Mr. Richard Brooks said that he had been unaware that the PIUC was seeking tax relief from the town. Ms. Richard said that she had been asked by the town administrator to furnish documents that established the district was exempt, but at the time felt that would be the end of district involvement in the matter. Ms. Greene said that she was concerned about a private entity seeking public relief when they had done little to advance the negotiations process that would ultimately relieve

them of these financial burdens. Ms. Richard said that while she agreed that PIUC could have been more forthcoming on some issues, that the biggest reason that the PIUC had been reluctant to cooperate with the district board was because it had taken a considerable amount of time to come to agreement on the issue of non-disclosure, but putting that issue aside she did not want to deny them the opportunity for tax relief. Rep. Gallison said that if property had been sold that qualified as income and asked what the selling price had been. Ms. Richard said that the property had been sold for \$35,000. Rep. Gallison asked what member of the council was supposed to support the tax relief measure at the town council meeting. Mr. Hanson said that Councilman Canario was supposed to support the measure but did not attend the meeting. Rep. Gallison said that he could tie the PIUC in with the district in a bill to declare them tax exempt. Mr. Sterling said that the district board could not make a decision on the matter because the issue did not appear on the agenda. Rep. Gallison said that he could introduce the measure but that it might be too late. Ms. Richard said that the PIUC had ample opportunity to approach the district board concerning this matter but had chosen not to do so. Mr. Buffum said it was his personal opinion that the matter was not the business of the district board. Mr. Richard Brooks said that he was neutral on the matter and that Rep. Gallison should use his judgment in determining whether or not to introduce a bill. He asked if it would be quicker if the PIUC went back to the town council on the matter. Rep. Gallison said that he believed so. Mr. Brooks asked if the town council was the appropriate place to resolve

the issue. Rep. Gallison said his personal opinion was that it was, but that since the matter was brought to him he was obligated to take action. Mr. Hanson said that any financial help the PIUC was able to get would ultimately benefit the district. Rep. Gallison said that he didn't think he could get a bill through the process before the end of the General Assembly session and that he would talk to Councilman Canario about taking the matter up in Portsmouth.

Mr. Philip Brooks asked Rep. Gallison about the status of the legislation regarding cross-connections in water systems (2005-S0958). Rep. Gallison said that it was in the works but had not yet reached the assembly floor.

6. Mr. Buffum moved to adjourn, seconded by Ms. Richard, approved unanimously. The meeting adjourned at 2:25 p.m.

Patricia Richard

Clerk